

House Bill 1119

By: Representatives Lunsford of the 110<sup>th</sup>, Loudermilk of the 14<sup>th</sup>, Rice of the 51<sup>st</sup>, and May of the 111<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to require the reports of convictions of driving without a license to be maintained by the Department of Driver Services; to specify a punishment for driving without a license; to require a person convicted of driving without a license to be fingerprinted for identification purposes; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by revising paragraph (3) of subsection (a) of Code Section 40-5-2, relating to keeping of records of applications for drivers' licenses and information on licensees, as follows:

"(3) Records of all accident reports and abstracts of court records of convictions of any offense listed in subsection (a) of Code Section 40-5-20, subsection (a) of Code Section 40-5-54, Code Section 40-6-10, driving on a suspended license in violation of Code Section 40-5-121, administrative license suspension pursuant to Code Sections 40-5-67 through 40-5-67.2, Code Section 40-5-75, Chapter 9 of this title, the 'Motor Vehicle Safety Responsibility Act,' and Chapter 34 of Title 33, the 'Georgia Motor Vehicle Accident Reparations Act,' any felony offense under this title, any offense committed while operating a commercial motor vehicle, serious traffic offenses, or other offenses requiring the assessment of points on the driving record that are received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which such licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times. For

1 purposes of issuing a driver's operating record to the public as provided in this Code  
2 section, the period of calculation for compilation of such report shall be determined by  
3 the date of arrest."

## 4 SECTION 2.

5 Said chapter is further amended by revising subsection (a) of Code Section 40-5-20, relating  
6 to the requirement of having a driver's license and the surrender of prior drivers' licenses,  
7 as follows:

8 "(a) No person, except those expressly exempted in this chapter, shall drive any motor  
9 vehicle upon a highway in this state unless such person has a valid driver's license under  
10 this chapter for the type or class of vehicle being driven. Any person who is a resident of  
11 this state for 30 days shall obtain a Georgia driver's license before operating a motor  
12 vehicle in this state. Any court having jurisdiction over traffic offenses in this state shall  
13 report to the department the name and other identifying information of any individual  
14 convicted of driving without a license. Upon conviction of the charge of driving without  
15 a license, the offender shall be punished under the provisions of Code Section 40-5-121,  
16 relating to driving with a suspended license. In addition, upon conviction of driving  
17 without a license, the offender shall be fingerprinted for identification purposes. The  
18 fingerprints shall be forwarded to the Georgia Crime Information Center where an  
19 identification number shall be assigned to the fingerprints for use in detecting any future  
20 violations by the same offender."

## 21 SECTION 3.

22 Said chapter is further amended by revising subsection (a) of Code Section 40-5-121, relating  
23 to driving while license is suspended or revoked, as follows:

24 "(a) Except when a license has been revoked under Code Section 40-5-58 as a habitual  
25 violator, any person who drives a motor vehicle on any public highway of this state while  
26 unlicensed, or at a time when his or her privilege to do so is suspended, disqualified, or  
27 revoked shall be guilty of a misdemeanor for a first conviction thereof and, upon a first  
28 conviction thereof or plea of nolo contendere within five years, as measured from the dates  
29 of previous arrests for which convictions were obtained to the date of the current arrest for  
30 which a conviction is obtained, shall be punished by imprisonment for not less than two  
31 days nor more than 12 months, and there may be imposed in addition thereto a fine of not  
32 less than \$500.00 nor more than \$1,000.00. For the second or subsequent conviction  
33 within five years, as measured from the dates of previous arrests for which convictions  
34 were obtained or pleas of nolo contendere were accepted to the date of the current arrest  
35 for which a conviction is obtained or a plea of nolo contendere is accepted, such person

1 shall be guilty of a high and aggravated misdemeanor and shall be punished by  
2 imprisonment for not less than ten days nor more than 12 months and there may be  
3 imposed in addition thereto a fine of not less than \$1,000.00 nor more than \$2,500.00."

4 **SECTION 4.**

5 This Act shall become effective on July 1, 2008, and shall apply to all offenses committed  
6 on or after this date.

7 **SECTION 5.**

8 All laws and parts of laws in conflict with this Act are repealed.